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IN THE

Supreme Court of the United States

October Term, 1971
No. 71-1279

JAMES SINCLAIR,

Petitioner,

vs.

GLORIA ELLA SPATOCCO, alias GLORIA E. REED, WALTER ROBERT SPATOCCO, alias WALTER ROBERT REED, and ELLA W. HANSEN,

Respondents.

Response to Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

To the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Respondents, Gloria E. Reed, Walter R. Reed, and Ella W. Hansen respectfully pray that the Court deny a writ of certiorari to the United States Court of Appeals for the Ninth Circuit in the above entitled matter.

Opinion Below.

The opinion of the United States Court of Appeal is reported at 452 F. 2d 1213. The unreported order of the District Court is hereinafter set forth:

Order Dismissing Complaint.

United States District Court, Central District of California.

Filed: Jan. 27, 1971.

James Sinclair, Plaintiff, vs. Gloria Ella Spatocco, Alias Gloria E. Reed, Walter Robert Spatocco, Alias Walter Robert Reed, Defendants. No. 69-397-EC.

The defendants' motion to dismiss the Amended Complaint came on before the Court for hearing on the date and hour set, to wit, the 18th day of January, 1971, at 9:30 A.M. Plaintiff was present in propria persona and the defendants were represented by John K. Duncan, Esq. Points and authorities had been filed and the matter was argued.

It appears to the Court, from the pleadings, records, and other documents on file herein, including the deposition of plaintiff taken December 14, 1970, and from the showing made by the parties at said time and place, that the plaintiff herein is not a citizen of the State of Michigan but is domiciled in the State of California and was so domiciled at the commencing of this action and the plaintiff and defendants are not citizens of different states.

It further appears to the Court that the requisite diversity of citizenship between plaintiff and defendant does not exist and this Court is without jurisdiction of the subject matter of said action and the Amended Complaint on file herein fails to state a claim upon which relief can be granted under Sections 1983 and 1985, Title 42, United States Code, or otherwise.

IT IS ORDERED that the Amended Complaint be and it is hereby dismissed.

DATED: January 26, 1971.

/s/ E. Avery Crary
E. Avery Crary
United States District Judge

Statement of the Case.

The Amended Complaint is set forth *infra,* appendix page 1. Said Complaint was dismissed by the District Court on January 26, 1971, which dismissal was affirmed by the U.S. Court of Appeals for the Ninth Circuit on December 17, 1971. An examination of the said Amended Complaint reveals that plaintiff contends that he was a citizen of Michigan and that the defendants were citizens of the State of California. It is noteworthy that on June 3, 1969, the U.S. Court of Appeals for the Ninth Circuit in another case in which petitioner was involved entitled James M. Sinclair v. Anna M. Boughton, 419 F. 2d 129, affirmed the U.S District Court for the Central District of California in its finding that petitioner was a citizen of California. Certiorari was denied by this Court on November 10, 1969, 396 U.S. 909.

Liberally summarized, the complaint alleges that on or about February 13, 1968 defendant Gloria E. Reed, an attorney at law, commenced representation of plaintiff in a civil action. Plaintiff and defendant Gloria E. Reed conferred and plaintiff paid defendant Gloria E. Reed $273.00 to do research and to assist him in the preparation of a brief. During September 1968 defendant Gloria E. Reed wrongfully abandoned her employment and attempted to refer plaintiff to another attorney. On September 4, 1968 plaintiff attempted to keep an appointment with defendant Gloria E. Reed in her office, but was informed that Gloria E. Reed had left the office. Plaintiff inquired at Gloria E.

Reed's family home and observed Gloria E. Reed enter her car parked in front of her residence. Plaintiff followed defendant Gloria E. Reed while she went to several schools and returned home with her children. Plaintiff knocked on the door of Gloria E. Reed's residence and defendant Ella W. Hansen answered the door. Upon being advised that Gloria E. Reed was not present, plaintiff advised defendant Ella W. Hansen that he had seen Gloria E. Reed and the children leave the car and enter the residence. Gloria E. Reed came to the door and angrily asked why the plaintiff came to her house. Defendant Walter R. Reed came to the door and caused plaintiff to have a reasonable apprehension of suffering immediate bodily injury and plaintiff feared that defendant Walter R. Reed was going to deal him a blow by surprise. In addition defendant Walter R. Reed maliciously disturbed the peace of plaintiff by loud voice, tumultuous and offensive conduct and challenging to fight. Plaintiff peacefully walked to his parked car and drove away. Several blocks away, defendants Gloria E. Reed and Walter R. Reed drove past him and stopped a passing policeman and plaintiff turned his car quickly away from the scene. Thereafter on October 3, 1968 plaintiff wrote defendant Gloria E. Reed a letter urging her to repent and enclosing $100.00 as a loan to encourage her repentance. All the defendants conspired to defraud plaintiff of $273.00, to threaten him with violence, malicious prosecution and other harm and to obstruct and defeat the due course of justice in California with

intent to deny plaintiff the equal protection and privileges and immunities under the law by means of their threats of wrongful and malicious criminal prosecution and arrest by perjured testimony if plaintiff appeared in open court to claim his equal right under law. Plaintiff suffered extreme and prolonged anxiety and mental suffering as a result of the defendants' outrageous conduct in their attempting to have him arrested in plaintiff's presence. Plaintiff has suffered anxiety from defendants' willful acts from August 30, 1968 onward which has caused him to fear unjustified arrest and possible police brutality and he fears malicious interference with his personal affairs by defendant Gloria E. Reed's misusing information given him in professional confidence.

For the injuries, plaintiff seeks punitive damages of at least $50,000.00, damages for mental anguish of $5,000.00, damages for delay of suit and expense to the plaintiff of $1,000.00, repayment of the loan of $100.00 with interest thereon and special damages for fraud and abandonment of $273.00.

REASONS WHY CERTIORARI SHOULD BE DENIED.

I.

The Complaint Fails to State a Cause of Action.

Petitioner's amended complaint totally fails to state a cause of action under 42 U.S.C. §1983 or §1985. Petitioner's strong reliance upon *Griffin v. Breckinridge,* 403 U.S. 88, 91 S.Ct. 179 (1971) is inappropriate. This Court stated in *Griffin v. Breckenridge, supra* at 1798,

> "That the statute was meant to reach private action does not, however, mean that it was intended to apply to all tortious, conspiratorial interferences with the rights of others. For, though the supporters of the legislation insisted on coverage of private conspiracies, they were equally emphatic that they did not believe, in the words of Representative Cook, 'that Congress has a right to punish an assault and battery when committed by two or more persons within a State.' id., at 485. The constitutional shoals that would lie in the path of interpreting §1985(3) as a general federal tort law can be avoided by giving full effect to the congressional purpose—by requiring, as an element of the cause of action, the kind of invidiously discriminatory motivation stressed by the sponsors of the limiting amendment. See the remarks of Representatives Willard and Shellabarger, quoted at p. 1797, supra. The language requiring intent to deprive of equal protection or equal privileges and immunities, means that there must be some racial, or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' action. The conspiracy, in other words, must aim at a deprivation of the equal enjoyment of rights secured by the law to all."

Obviously Petitioner's amended complaint falls far short of alleging any objective facts to support his conclusions of a violation of his civil rights. How was Petitioner injured? How was he deprived of any civil rights? What acts were done to accomplish these alleged wrongs?

II.

Petitioner Has Not in Fact Sustained Any Injuries, Damages or Violation of His Civil Rights.

While a reading of Petitioner's Petition for Writ of Certiorari purports to raise points of great importance, the fact is that Petitioner is a disgruntled former client of Respondent Gloria E. Reed and has not in any way been injured in the manner claimed and inferred in his Petition. A close reading of Petitioner's Amended Complaint demonstrates no arrest, no battery, no threat of arrest, no beatings, no personal injuries and no other conduct of any kind that injured Petitioner or comes within §1983 or §1985. The deposition of Petitioner taken December 14, 1970 in the instant case amply demonstrates that Respondents were being harrassed by Petitioner and that Respondents' course of conduct was in no way unreasonable under the circumstances, nor were Petitioner's Civil or other rights violated. A portion of Petitioner's testimony given at the taking of said deposition clearly illustrates the manner in which Petitioner has attempted to take very ordinary conduct and inflate it into conduct warranting review by the Supreme Court of The United States. The said testimony commences at page 46, line 10 of the said deposition and continues to line 1 at page 54 and is as follows:

"Q Then, this conference that you wanted to have with Mrs. Reed that you claim you were to

have on the day you went to her home, that is, on or about September 24th, you had approached her, had you not, a day or two before September 24th at a market someplace?

A Yes.

Q Where was that?

A Right down the street from the office here. I think it's a Mayfair Market.

Q How did you happen to see Mrs. Reed in the market?

A I had been in Glendale looking for an attorney, if I recall, this being the very same day and I also wanted to see Mrs. Reed and she wasn't here at the office, I think I had tried first and she wasn't. In fact, as I recall, I was at the Glendale College of Law. As I was driving away from that I saw her car going down the street with her mother and some children in it and I thought there she is, and she is heading in the direction of the office. We will go over there and maybe I can talk to her because as of this time I had not yet been able to talk to her yet about Mr. Segall, telling her he would work for fifteen and telling me he wanted fifty. In rough terms, that's what it came down to. She had always been out or busy with a client and I hadn't a chance to talk to her. At this time I was still trying to obtain an efficient transfer of counsel.

Anyhow, I followed her car down the street and I think that's Broadway and it comes down into Colorado, and when we got to the corner of Colorado and Eagle Rock up here she turned south, I went one more block and came around and parked on the street in back of the office and I

walked into the office here to see her and the office staff said she's not here and I thought, my Lord, the reason she came down this street was to come to the office and that's what I did. So, I figured, well, maybe she went to the store. So, I went down to the shopping center and her car was parked there and I went in and asked her when I could see her next and she said that she was busy getting dinner for her family and she had to come back to the office that evening to talk to some clients and that she had no time for me that day because she had just gotten out of court. That's right, she said she had just gotten out of court and she didn't know I had seen her in Glendale with her family. So, she lied to me about just getting out of court.

Q You assumed she lied to you.

A I don't believe she took her kids to court. But, in any event, she said—and this is the thing you are trying to get at—'Call me at the office tomorrow and we will go from there' and I said, 'Fine,' and I left.

Q Now, there was that occasion when you followed Mrs. Reed in your car and there was the occasion on September 24th when you followed her in the car. Were there other occasions when you followed Mrs. Reed?

A I don't believe so.

Q Now, getting back to when you drove your car away from Hill Drive on September 24th. Did you have occasion to see Mrs. Reed or Mr. Reed later that day?

A Yes.

Q Where were they when you next saw them?

A They were coming down the same street. I believe it's Lolita. They passed me up doing something like 40 miles an hour.

Q As they went by you was there any gesture of communication or anything of that sort?

A No.

Q How many people were in their vehicle?

A I believe just the two of them.

Q And this was on Lolita?

A I believe that's the name of the street.

Q They passed you in their vehicle and then did you see them again after that?

A I saw them all the time after that because they didn't get very far ahead of me because it's only one long block there.

Q But were they going towards Colorado Boulevard on Lolita?

A Yes.

Q Did there come a time when you had any conversation with either of them on that day?

A No.

Q After they passed you what did you observe them to do, if anything?

A When they got down to the corner a motorcycle policeman came along westbound on Colorado right in front of them and Mr. Reed waved at him and got the attention somehow or other, maybe Mrs. Reed did something out of her side of the car, I don't know, but I think it was Mr. Reed that did it and the policeman pulled over and Mrs. Reed turned the car to the right going west and pulled over along with him and I was right behind them and I went left very quickly.

Q All right. If I understand you correctly, then, there appeared to be an officer who was westbound on Colorado right off of Lolita and they made a right turn near the intersection of Colorado and Lolita and they appeared to stop and converse with this officer, is that correct?

A Yes.

Q And at that same intersection you made a left turn or went eastbound, is that correct?

A Yes.

Q You didn't hear any of the conversation that they may have had with the officer?

A No.

Q I take it you made a stop at the intersection of Lolita and Colorado and then traffic permitting you made your left turn and proceeded east on Colorado Boulevard?

A Yes.

Q Did you watch in your rearview mirror what appeared to be happening with Mr. and Mrs. Reed and the officer?

A Yes.

Q What did you observe?

A I didn't notice anything significant by the time I got off of Colorado.

Q Did Mr. and Mrs. Reed when they went by you point at you or wave at you or anything of that sort?

A No.

Q When you observed them on Colorado with the officer was anybody pointing at you or otherwise indicating you in any fashion that you observed?

A No, I did not observe that.

Q And you proceeded eastbound on Colorado and went someplace else, I take it?

A Yes.

Q Did you see Mr. and Mrs. Reed anymore that day?

A No.

Q Did the officer at any time start in your direction?

A I didn't see him.

Q I take it as you went eastbound the last thing you saw was Mr. and Mrs. Reed apparently in conversation with the officer?

A I don't even know whether I saw them get out of the car. I saw the fact that they were stopped together and I was in a very great hurry to get out of there.

Q Why were you in such a great hurry to get out of there?

A Because after the angry and abusive manner in which they had acted up at the house and the fact that they had followed me and that I had caught them lying so much I assumed they were trying to get the police to carry out their evil designs of punishing me in some way by means of false accusations.

Q Now, how much time had elapsed from the time you left the vicinity of the front door of the Reed premises to the time that you saw the Reeds apparently talking to this officer?

A About five minutes.

Q And you waited in your car for awhile as you indicated after you got in it?

A Yes, it may have taken me two minutes to walk to the car and one minute sitting in the car and two minutes to drive down to Colorado.

Q And you assume when you saw their vehicle going by you on Lolita that they were following you?

A Yes. And, in fact, I may say the way they went past me I thought they might be trying to hit me because they cut close in on me and they had a large car and it swings a lot.

Q You at no time had any conversation with a police officer relative to this incident, did you?

A You mean, did I stop and talk to him about it?

Q Yes.

A When I first saw him he pulled over and talked to the Reeds and I did not stop and talk, I went the other way and left and I did not talk to him.

Q All right. Subsequent to this incident had any police officer asked you any question about it?

A I don't think so.

Q At no time have you been arrested or detained as a result of this incident, am I correct?

A You are correct about that."

Conclusion.

The District Court dismissed the Complaint for failing to state a claim upon which relief could be granted under §1983 and §1985 upon the ground that diversity of citizenship did not exist.

The Court of Appeal for the Ninth Circuit affirmed on the ground that Petitioner's allegations did not amount to violation of his civil rights under 42 U.S.C. §1985. Unfortunately, the Ninth Circuit referred to "color of law" in its opinion which apparently caused

Petitioner to lose sight of the fact that his allegations did not amount to violations of his civil rights.

Respondents respectfully submit that when the allegations in the Amended Complaint are weighed against the type of conduct required in *Griffin v. Breckenridge, supra,* to constitute a private violation of the civil rights statutes, it is abundantly clear the conduct therein alleged is not within "the core of the coverage intended by Congress". This being the case, the other points raised by Petitioner are wholly academic.

Respondents respectfully request that the Petition for Certiorari be denied.

Respectfully submitted,

JOHN K. DUNCAN,
Attorney for Respondents.

APPENDIX.

Amended Complaint (With Demand for Trial by Jury).

James Sinclair
2980 West Davison
Detroit, Michigan 48238
Plaintiff Pro se

United States District Court, for the Central District of California.

James Sinclair, Plaintiff, vs. Gloria Ella Spatocco alias Gloria E. Reed, Walter Robert Spatocco alias Walter Robert Reed, and Ella W. Hansen, Defendants. Civil Action File No. 69-397-EC.

COUNT I

1. On February 28, 1969, all defendants were citizens of California and plaintiff was a citizen of Michigan. The matter in controversy including punitive damages exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

2. This action also arises under Article I, § 8, of the Constitution of the United States, and the First, Fourth, and Fourteenth Amendments thereto, and Sections 1983 and 1985 of Title 42 of the U. S. Code, as hereinafter more fully appears.

3. Jurisdiction is also pendent on other counts of this complaint.

4. In conspiracy agreement with the other defendants, Gloria E. Reed on September 24, 1968, disclosed her position as an officer of the Supreme Court of the State of California better to convince and manipulate a policeman of the City of Los Angeles to pursue plaintiff under color of California Penal Code § 415, a

16. The plaintiff paid Gloria E. Reed in full promptly for all fees she claimed.

17. The primary services Gloria E. Reed performed were in conference with the plaintiff to research the authorities presented her. Very incidentally she rephrased parts of the brief into her own words, adding no significant value but omitting a jurisdictional allegation which plaintiff pointed out to her and which was restored. She informed the plaintiff that she approved the revised brief draft.

18. Her primary work was to inform herself for presentation of the case, and was paid $250.00 therefor.

19. She received $18.00 for time attempting to reach an agreement with opposing counsel on a stipulation, and approving plaintiff's draft therefor. She received $5.00 for approving plaintiff's draft of a motion.

20. The plaintiff presented the typed motion papers for her signature August 29, 1968. On or about August 30 she informed the plaintiff that she was still carefully reviewing the motion papers. The following week she informed the plaintiff that they had been served and filed.

21. On September 10, 1968, the plaintiff learned from the Court's clerk that the motion had not been filed.

22. Then Gloria E. Reed told the plaintiff that the papers had been served and filed, but she later advised the plaintiff that she had found them in her office and that she would take care of the matter.

23. Plaintiff visited the office of Gloria E. Reed on September 13, 1968, to expedite the matter if necessary, but she refused to see him without giving a reason.

24. Plaintiff suffered great anxiety at this time.

25. On September 17, 1968, plaintiff revisited the office and was received in the presence of defendants Gloria E. Reed and Ella W. Hansen.

26. Gloria E. Reed stated that she had to abandon her employment for the plaintiff as she was being pursued to accept a position in the office of the Glendale City Prosecutor and they would not allow her to finish this case.

27. Gloria E. Reed further attempted to assure plaintiff of her good faith by asking his permission to refer him to another attorney, and saying that if the city job didn't work out she could come back into the case, and saying that the case was interesting to her.

28. The plaintiff reminded her that most of her fees were to prepare herself for the case, and would be wasted if counsel were transferred, but he agreed to consult counsel as he could not force her to work.

29. Gloria E. Reed informed the plaintiff that said counsel Matthew J. Segall, had agreed to accept the same fees Gloria E. Reed had agreed to accept.

30. Matthew J. Segall informed the plaintiff that Gloria E. Reed had not discussed fees with him, and that his fee rate would be at least twice hers. This information was given to the secretary of Gloria E. Reed as she could not be reached.

31. On September 23, 1968, plaintiff made an appointment with Gloria E. Reed to talk with Gloria E. Reed the following day, and also received the office file of papers on his case.

32. Examination of the original motion disclosed that Gloria E. Reed had never signed it.

33. Gloria E. Reed had never intended to sign said notice of motion and any representation to the contrary was a deliberate lie.

34. The aforesaid $5.00 fee was fraudulently obtained by false pretenses and the plaintiff should recover $5.00 damages therefor.

35. The office file discloses that Gloria E. Reed did not send to opposing counsel the plaintiff's draft that she fraudulently represented that she approved.

36. The $18.00 fee was for services rendered valueless by Gloria E. Reed's fraud, and the plaintiff should recover $18.00 damages therefor.

37. The aforesaid $250.00 fee was for services rendered valueless by Gloria E. Reed's wrongful abandonment of the action and the plaintiff should recover $250.00 damages therefor.

38. The court clerk first informed plaintiff October 10, 1968, that Gloria E. Reed had never filed the substitution of attorney.

39. Gloria E. Reed wilfully and knowingly received all $273.00 fees from the plaintiff under the representations hereinabove stated in paragraphs 8, 11, 13, and 14, knowing that said representations were false and were made to induce plaintiff to pay her monies and that said monies would never have been paid if the truth were known to the plaintiff.

40. Gloria E. Reed never intended to become attorney of record for plaintiff nor to become obligated to the court to proceed with plaintiff's civil action. She knew her wrongful act could have caused great embarrassment to the supposedly relieved counsel who could not have reached his former client due to her

fraud, as well as to the court and parties in the 8 months in which the action could have been at any time dismissed for lack of prosecution.

41. Gloria E. Reed did not submit the plaintiff's two drafts which she fraudulently advised him she approved, because each draft referred to the fact she had served and filed the substitution of attorney.

42. There is no Glendale City Prosecutor. Gloria E. Reed is still in private practice, and never was known to the hiring official of either the Glendale City Attorney or the Pasadena City Prosecutor.

43. Gloria E. Reed breached her professional obligations by withdrawing from the employment without cause.

44. On September 24, 1968, plaintiff attempted to keep his appointment with Gloria E. Reed to discharge *finally* his legal duty to minimize the damages of defendant's misconduct by allowing her opportunity to salvage whatever possible of her preparation in whatever way she would.

45. Because of the wrongful acts and lies of Gloria E. Reed, plaintiff has expended great time and expense, and suffered great anxiety, in his efforts to discharge this duty.

46. At the appointed hour her office informed plaintiff that she was still in court. The court informed him that she had left hours ago. Defendant Ella W. Hansen at the nearby family residence stated that Gloria E. Reed had not been home since early morning. Subsequently Gloria E. Reed entered her car parked in front of the residence. Plaintiff followed her in hope that she was going to her office to keep the appoint-

ment. She visited several schools and returned home with her children. Plaintiff still waited for her to leave for the office, but gave up hope finally.

47. Plaintiff knocked on the door of the residence. Ella W. Hansen answered the door and said in surprise that she hadn't heard from Gloria. Plaintiff stated peacefully that if Gloria E. Reed refused to see him, he would leave quietly, but that he would appreciate her seeing him because of the cost of his fruitless efforts to keep her appointment.

48. Mrs. Hansen reiterated that Gloria wasn't home. Plaintiff stated that he had seen her and the children get out of the car and enter the residence. Mrs. Hansen still denied. Plaintiff then informed her that he had followed Gloria E. Reed to the schools. Then Mrs. Hansen said she would "look out in the back".

49. Plaintiff waited off the porch and down on the steps. Gloria E. Reed came to the door and angrily asked the plaintiff, not to leave, but why he came to her house. Plaintiff quietly told her.

50. Defendant Walter Robert Reed came to the door and unjustifiably and intentionally caused the plaintiff to have a reasonable apprehension of suffering immediate unlawful bodily injury by the defendant's stating in an angry manner that he should hit plaintiff, and by the defendant's chasing the plaintiff, and by the defendant's subsequent asking the plaintiff questions so as to cause, and which did reasonably cause, the plaintiff to fear said defendant intended to approach the plaintiff and deal him a blow by surprise and further intended to strike plaintiff in any other manner he could if said questions did not cause plaintiff to remain standing in place.

51. Defendant Walter Robert Reed maliciously and wilfully disturbed the peace of the plaintiff by loud noise, tumultuous and offensive conduct, and threatening, traducing, and challenging to fight.

52. All three defendants had reentered the house while plaintiff peacefully walked to his parked car and drove away. Several blocks away Gloria E. Reed drove past him and Walter Robert Reed signalled from their car and stopped a passing policeman. Plaintiff turned his car quickly away from the scene.

53. Plaintiff wrote Gloria E. Reed a letter on October 3, 1968, explaining the facts of the situation, urged her to repent, and enclosed $100.00 as a loan to encourage her repentance, referring to her professed religious faith.

54. Plaintiff thereafter telephoned Gloria E. Reed who threatened him and hung up her telephone.

55. No part of the $373.00 has been repaid.

56. All of the defendants are party to a conspiracy: (1) to defraud plaintiff of the aforesaid $273.00, and (2) to threaten plaintiff with violence, malicious prosecution, and other harm to prevent his recovery of said sum, and (3) to impede, hinder, obstruct, and defeat the due course of justice in California with intent to deny the plaintiff the equal protection and privileges of, and immunities under, the laws in his resorting to his rights of peaceful freedom of speech to petition defendants for redress of grievances against them and to fulfill his duty to minimize damages, and to petition the courts to enforce his rights to damages against the defendants, by means of their threats of wilful and malicious criminal prosecution and arrest under color of California Penal Code §415 and others unspecified,

by their perjured testimony, of said plaintiff if he appeared in open court to claim his equal right under law to testify in his own cause and his right to free, open, and equal access to the courts. Said defendants did so conspire to injure the plaintiff for enforcing or attempting to enforce his aforesaid rights to such equal protection of the laws.

57. Plaintiff suffered extreme and prolonged anxiety and mental suffering as a result of defendants' outrageous conduct in his presence of attempting to have him arrested. Defendants knew they had no legal justification for said act, and did same maliciously and with intent to intimidate plaintiff. Gloria E. Reed further therein violated her professional duty to the plaintiff by disclosing to a third party information gained in professional confidence about her client, and has done so to other parties.

58. Plaintiff has expended great amounts of time, effort, and money to secure a proper attorney to complete the employment breached by Gloria E. Reed.

59. A large award of punitive damages is necessary to set an example to deter the defendants and others from similar wrongdoing.

60. The plaintiff has suffered anxiety from defendants' wrongful acts from August 30, 1968, so to the present. Defendants' outrageous and intentional conduct has caused him reasonably to fear unjustified arrest and possible police brutality at any moment without an attorney to protect him as well as fearing malicious interference with his personal affairs, by Gloria E. Reed's misusing information given her in professional confidence by her client, and defendants have intentionally caused said fears in order to intimidate plain-

tiff from securing relief against defendants, by exhibiting their willingness to lie to injure the plaintiff and their willingness to bring false official charges against the plaintiff and their willingness to threaten plaintiff with wrongful physical injury.

COUNT II

61. Gloria E. Reed has been a member of the Bar of this Court since 1967.

62. In February, 1968, she knowingly misrepresented to the plaintiff that she was his attorney for the record in the case of Sinclair v. Boughton, 65-557-FW, (#22005-9th Cir.), and thereby received $273.00 in fees which would not have been paid otherwise.

63. She later represented that she had filed a notice of motion to approve a proposed record on appeal, whereas she had never done so.

64. She withdrew from plaintiff's employment without any cause and has refused to refund unearned fees and loan money.

65. In a corrupt attempt to withhold plaintiff's money from him, she tried to have him arrested on a false charge and wrongfully disclosed confidential communications.

66. She has lied to the State Bar of California.

67. She is further unworthy of the confidence of the courts and the public for her carelessness in practice in other cases, and her bad judgment or poor moral character causing mortgage foreclosures against her and consequent loss to those dealing with her.

68. Her actions render her unfit to remain a member of the Bar of this Court.

69. WHEREFORE Plaintiff demands judgment:

1. That Gloria E. Reed be disbarred or suspended from the Bar of this Court.

2. That the defendants jointly and severally be ordered to pay the plaintiff damages as follows:

(a) Exemplary damages of at least $50,000.00.

(b) Damages for mental anguish of $5,000.00.

(c) Damages for delay of suit, and time and expense of the plaintiff of $1,000.00.

(d) Damages for loan repayment of $100.00 with interest thereon at 7% from October 3, 1968.

(e) Special damages for fraud and abandonment of $273.00 with interest thereon at 7% from September 23, 1968.

(f) Costs of suit.

3. Such other and further relief as to the Court may appear just.

70. Plaintiff demands trial by jury as provided for in F.R.C.P. 38.

/s/James Sinclair
James Sinclair
Plaintiff
2980 West Davison
Detroit, Michigan 48238